

**Department of Justice
United States Marshals Service**



Memo

To: Clerk's Office
From: Tamar De.Costa
Date: March 5, 2008
Re: Case #07C6442

FILED

MAR 7 2008 YM
MAR 7 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

I am returning the attached case 07C6442 Long Beach Mortgage vs. Shirley Ewing Banks. A 285 form was mailed out on January 16, 2008 requesting the address of the party she would like served. I have not received the 285 form from the plaintiff with the requested information. The plaintiff needed to return the requested information within 10 days from the date that she received the 285 form.

Tamar
Civil Process

Order Form (01/2005)

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Joan H. Lefkow	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 6442	DATE	1/14/2008
CASE TITLE	Long Beach Mortgage vs. Shirley Ewing Banks		

DOCKET ENTRY TEXT

Application of Shirley Ewing Burks for leave to proceed in forma pauperis [4] is granted. Summons to issue. The U.S. Marshal's Service is directed to effect service of summons and notice of appeal [1]. Status hearing is set for 3/6/2008 at 9:30 a.m.

Docketing to mail notices.

Maale J. Lee
 CLERK OF COURT
 U.S. DISTRICT COURT, NORTHERN
 DISTRICT OF ILLINOIS
 1/15/08

Courtroom Deputy Initials:	MD
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Order Form (01/2005)

United States District Court, Northern District of Illinois

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MAILED
JAN 15 2008
CLERK
Maia J. Con
CLERK
U.S. DISTRICT COURT, NORTHERN
DISTRICT OF ILLINOIS
1/15/08

Courtroom Deputy
Initials:

MD

United States District Court
Northern District of Illinois

SUMMONS IN A CIVIL ACTION

Shirley Ewing Burks

Appellant

vs.

CASE NUMBER: 07 cv 6442

JUDGE: Lefkow

Long Beach Mortgage

Appellee

TO: Long Beach Mortgage

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon plaintiff's attorney:

Name: Shirley Ewing Burks
Address: 15243 S. Woodlawn
City: Dolton, IL 60419
Telephone: (708) 841-2824

an answer to the complaint which is herewith served upon you, within [20] days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Michael W. Dobbins, Clerk

By: 
Deputy Clerk

Dated: 1/15/08

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me: ^	DATE	
NAME OF SERVER (Print)	TITLE	
<i>Check one box below to indicate appropriate method of service:</i>		
<p><input type="checkbox"/> Served personally upon the defendant. Place where served: _____</p> <p>_____</p> <p><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____</p> <p>_____</p> <p><input type="checkbox"/> Returned unexecuted: _____</p> <p><input type="checkbox"/> Other (specify): _____</p> <p>_____</p> <p>_____</p>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: center;">Date</div> <div style="text-align: center;">Signature of Server</div> </div> <div style="text-align: center; margin-top: 20px;">Address of Server</div>		

^As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

United States District Court
Northern District of Illinois

SUMMONS IN A CIVIL ACTION

Shirley Ewing Burks

Appellant

vs.

CASE NUMBER: 07 cv 6442

JUDGE: Lefkow

Long Beach Mortgage

Appellee

TO: Long Beach Mortgage

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Michael W. Dobbins, Clerk

By: **MARLAN COWAN**
Deputy Clerk

Dated: 1/15/08

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MJC

FILED

RECEIVED

JANUARY 14, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

NOV 14 2007

11-14-07

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Plaintiff(s)

Long Beach Mortgage

v.

07CV6442

JUDGE LEFKOW

MAGISTRATE JUDGE VALDEZ

Defendant(s)

Shirley Ewing Burks

Notice of Appeal
Reverse order by Judge Sonderby,
dated 11-08-2007, stating that bankruptcy
proceeding did not give rise to
any automatic stay. Case # 07-13905

Shirley A Ewing Burks
BURKS
SHIRLEY A EWING

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

IN RE:

Shirley Ewing-Burks

Debtor(s)

Case No.: 07 B 13905

Chapter: 13

Judge Susan Pierson Sonderby

ORDER PURSUANT TO 11 U.S.C. §362(c)(4)

THIS CAUSE coming to be heard on the motion of DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR LONG BEACH MORTGAGE LOAN TRUST 2006-WL2, a secured creditor herein, for an order confirming termination or absence of stay, the Court having jurisdiction over the subject matter and due notice having been given;

WHEREFORE, IT IS HEREBY ORDERED:

Creditor's motion is granted and pursuant to 11 U.S.C. Section 362(c)(3), no automatic stay is in effect and that the filing of this proceeding did not give rise to any automatic stay. DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR LONG BEACH MORTGAGE LOAN TRUST 2006-WL2 its principals, agents, successors and/or assigns has been free to pursue their state court remedies as to the property commonly known as 15243 S. Woodlawn Avenue, Dolton, IL throughout the pendency of the bankruptcy.

ENTER:

DATED: _____

UNITED STATES BANKRUPTCY JUDGE

Berton J. Malcy ARDC#6209399
Gloria C. Tsotsos ARDC# 6274279
Jose G. Moreno ARDC#6229900
Rachael A. Stokas ARDC#6276349
Peter C. Bastianen ARDC#6244346
Joel P. Fonferko ARDC#6276490
Codilis & Associates, P.C.
15W030 North Frontage Road, Suite 100
Burr Ridge, IL 60527
(630) 794-5300
C&A FILE (14-06-7672)

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

NAME OF PRESIDING JUDGE, Judge Susan Pierson Sonderby

Case No. 07 B 13905

Date 10/10/07

Title of Cause Shirley Ewing-Burks, Debtor(s).

**Brief Statement
of Motion** Motion of DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR LONG BEACH MORTGAGE
LOAN TRUST 2006-WL2 confirming Termination or Absence of
Stay

**Names and
Addresses of
moving counsel** Codilis & Associates, P.C.,
15W030 North Frontage Road, Suite 100
Burr Ridge, IL 60527

Representing DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE
FOR LONG BEACH MORTGAGE LOAN TRUST 2006-WL2

**Names and
Addresses of
other counsel
entitled to
notice and names
of parties they
represent.** Tom Vaughn, Chapter 13 Trustee,
200 South Michigan Suite 1300
Chicago, IL 60604

Pro Se Debtor, Attorney for Debtor(s),
,

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

IN RE:

Shirley Ewing-Burks

Case No.: 07 B 13905

Chapter: 13

Hearing Date: 10/18/07

Debtor(s) | Judge S. Pierson Sonderby

NOTICE OF MOTION

TO: Tom Vaughn, Chapter 13 Trustee, 200 South Michigan Suite 1300, Chicago, IL 60604 by electronic notice through ECF
Shirley Ewing-Burks, Debtor(s), 15243 S. Woodlawn, Dolton, IL 60419
Pro Se Debtor, Attorney for Debtor(s), , , by electronic notice through ECF

PLEASE TAKE NOTICE that on the 10/18/06 , at 9:30 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge Susan Pierson Sonderby, Bankruptcy Judge, in the courtroom usually occupied by him/her at the Everett McKinley Dirksen Building, 216 South Dearborn Street, Chicago, Illinois in room 642 or before any other Bankruptcy Judge who may be sitting in his/her place and stead, and shall then and there present this Motion of the undersigned, a copy of which is attached hereto and herewith served upon you, and shall pray for the entry of an Order in compliance therewith. at which time you may appear if you so desire.

PROOF OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the parties listed above, as to the Trustee and Debtor's attorney via electronic notice on October 10, 2007 and as to the debtor by causing same to be mailed in a properly addressed envelope, postage prepaid, from 7140 Monroe Street, Willowbrook, IL 60527 before the hour of 5:00 PM on October 10, 2007.

/s/ Gloria Tsotsos
Attorney for Creditor

Berton J. Maley ARDC#6209399
Gloria C. Tsotsos ARDC# 6274279
Jose G. Moreno ARDC#6229900
Rachael A. Stokas ARDC#6276349
Peter C. Bastianen ARDC#6244346
Joel P. Fonferko ARDC#6276490
Codilis & Associates, P.C.
15W030 North Frontage Road, Suite 100
Burr Ridge, IL 60527
(630) 794-5300
C&A FILE (14-06-7672)

NOTE: Pursuant to the Fair Debt Collection Practices Act you are advised that this law firm is deemed to be a debt collector attempting to collect a debt and any information obtained will be used for that purpose.

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the parties listed below, as to the Trustee and Debtor's attorney via electronic notice on October 10, 2007 and as to the debtor by causing same to be mailed in a properly addressed envelope, postage prepaid, from 7140 Monroe Street, Willowbrook, IL 60527 before the hour of 5:00 PM on October 10, 2007.

Tom Vaughn, Chapter 13 Trustee, 200 South Michigan Suite 1300, Chicago, IL 60604 by electronic notice through ECF
Shirley Ewing-Burks, Debtor(s), 15243 S. Woodlawn, Dolton, IL 60419
Pro Se Debtor, Attorney for Debtor(s), , , by electronic notice through ECF

/s/ Gloria Tsotsos
Attorney for Creditor

Berton J. Maley ARDC#6209399
Gloria C. Tsotsos ARDC# 6274279
Jose G. Moreno ARDC#6229900
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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

IN RE:

Shirley Ewing-Burks

Debtor(s)

Case No.: 07 B 13905

Chapter: 13

Hearing Date: 10/18/07

Judge S. Pierson Sonderby

MOTION TO CONFIRM TERMINATION OR ABSENCE OF STAY

NOW COMES DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR LONG BEACH MORTGAGE LOAN TRUST 2006-WL2, (hereinafter "Creditor"), by and through its attorneys, Codilis & Associates, P.C., and moves this Honorable Court for an Order confirming termination or absence of stay pursuant to 11 U.S.C. §362(j) and in support thereof states as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. §1334 and General Rule 2.33 of the United States District Court for the Northern District of Illinois;
2. The Debtor is indebted to Creditor or servicer for which the movant claims a valid security interest in the property commonly known as 15243 S. Woodlawn Avenue, Dolton, IL;
3. Debtor filed a petition under Chapter 13 of Title 11, United States Bankruptcy Code on 8/2/07;
4. Debtor has had more than one prior case dismissed within 365 days of filing the current case:
 - a. Bankruptcy Chapter 13, case number 07-02562 was filed on 2/14/07 by Shirley Ewing-Burks. Case was dismissed on 3/26/07;
 - b. Bankruptcy Chapter 13, case number 07-08114 was filed on 5/3/07

by Shirley Ewing-Burks. Case was dismissed on 6/20/07;

5. Neither of the prior cases were dismissed pursuant to 11 U.S.C. §707(b);
6. That pursuant to 11 U.S.C. § 362(c)(4) no automatic stay has been in effect since the filing of the bankruptcy;
7. That the debtor filed a motion to extend the stay, but the motion was denied;
8. That although the case has been dismissed, it has not been closed, and the debtor is asserting in state court that an automatic stay was in place;

WHEREFORE, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR LONG BEACH MORTGAGE LOAN TRUST 2006-WL2 prays this Court enter an order pursuant to 11 U.S.C. §362(j) confirming termination or absence of stay, approving its post-petition fees and costs incurred, and for such other and further relief as this Court may deem just and proper.

Dated this October 10, 2007.

Respectfully Submitted,

Codilis & Associates, P.C.

By: /s/ Gloria Tsotsos

Berton J. Maley ARDC#6209399
Gloria C. Tsotsos ARDC# 6274279
Jose G. Moreno ARDC#6229900
Rachael A. Stokas ARDC#6276349
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